

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**  
UNITED STATES OF AMERICA, : 16-cr-00474-FB  
:   
- versus - : U.S. Courthouse  
: Brooklyn, New York  
JOHN DOE, :   
Defendant : February 22, 2021  
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR  
VIOLATION OF SUPERVISED RELEASE  
BEFORE THE HONORABLE ROBERT M. LEVY  
UNITED STATES MAGISTRATE JUDGE

**A P P E A R A N C E S:**  
(VIA TELEPHONE AND VIDEO)

**For the Government:**

**Seth D. DuCharme, Esq.**  
Acting U.S. Attorney

BY: **Lindsay Gerdes, Esq.**  
Assistant U.S. Attorney  
271 Cadman Plaza East  
Brooklyn, New York 11201

**For the Defendant:**

**Nancy Lee Ennis, Esq.**  
40 Fulton Street  
23rd Floor  
New York, New York 10038

**Transcription Service:**

**Transcriptions Plus II, Inc.**  
61 Beatrice Avenue  
West Islip, NY 11795  
LaFerrara44@gmail.com

Proceedings recorded by electronic sound-recording,  
transcript produced by transcription service

Proceedings

1 THE CLERK: This is a Criminal Cause for  
2 Violation of supervised release, United States of America  
3 v. Gene Borello, case number 16-cr-474.

4 Can I have the parties state their name for the  
5 record, for the government please?

6 MS. GERDES: Good afternoon, your Honor.

7 Lindsay Gerdes for the United States and I'm  
8 joined by Probation Officer Mike Imrek.

9 THE COURT: Good afternoon.

10 MS. ENNIS: And it's Nancy Ennis for Mr.  
11 Borello and Mr. Borrello is also present listening in.

12 Good afternoon, your Honor.

13 THE COURT: Good afternoon, your Honor. Good  
14 afternoon, Mr. Borrello.

15 THE DEFENDANT: Good afternoon, Judge.

16 THE COURT: All right. So do you understand  
17 that because of the pandemic, it's not safe for all of us  
18 to be in the same room together or in a courthouse.

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: And so as a result, you and I and  
21 the prosecutor and court personnel are appearing by video  
22 and your lawyer unfortunately is appearing only by audio  
23 but not by video.

24 THE DEFENDANT: Yes.

25 THE COURT: Do you have a problem with that or

Proceedings

1 were you --

2 THE DEFENDANT: No, I'm okay with that.

3 THE COURT: And so I'm making a finding under  
4 the CARES Act that it would be both in the interest of  
5 justice and I believe in you interest, to go ahead with  
6 the arraignment today and the bail application.

7 THE DEFENDANT: Yes.

8 THE COURT: Have you discussed this with your  
9 lawyer?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. So I am just going to  
12 ask defense counsel, do you on behalf of your client  
13 consent to proceed as we've just described?

14 MS. ENNIS: Yes, your Honor.

15 THE COURT: Okay. And are you satisfied that  
16 Mr. Borrello's consent is knowing and voluntary?

17 MS. ENNIS: Yes.

18 THE COURT: All right. So do you understand,  
19 Mr. Borrello that you're here because the probation  
20 department has filed a violation of supervised release  
21 petition?

22 THE DEFENDANT: Yes.

23 THE COURT: And that (audio interference) a  
24 number a allegations in that petition.

25 THE DEFENDANT: Yes, I do.

Proceedings

1 THE COURT: Have you had a chance to talk to  
2 your lawyer about the charges and --

3 THE DEFENDANT: Yes.

4 THE COURT: -- (audio interference) explained  
5 them to you?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand them all?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: All right. And counsel, are you  
10 satisfied that your client understands the charges  
11 against him?

12 MS. ENNIS: Yes.

13 THE COURT: And how does he plead?

14 MS. ENNIS: He pleads not guilty.

15 THE COURT: Okay. So who would like to go  
16 first here? What's the government's position on bail at  
17 this point?

18 MS. GERDES: Judge, I spoke to Ms. Ennis and we  
19 are asking for a detention here and given that the burden  
20 is on the defense on a VOSR, we would ask that she  
21 present any package she would have first and then I can  
22 respond.

23 THE COURT: Okay. Ms. Ennis?

24 MS. ENNIS: Yes, I'm ready to proceed. We  
25 proposed that he be released to live at his mother's

## Proceedings

1 home. The government is very aware of that address, as  
2 is the probation department. And I believe his mother  
3 was going to try to phone in. I don't know if she has  
4 successfully been able to do yet but I've been in regular  
5 consultation with her since early this morning. So  
6 that's fine with her.

7 The condition that I'm suggesting is that he be  
8 placed on electronic monitoring and that that be pretty  
9 much around the clock and that he just be permitted to  
10 leave when he has specific approval to leave, for  
11 example, for a doctor's appointment that's been pre-  
12 approved.

13 So he would be detained on home detention for  
14 the duration while we try to figure out this matter and  
15 if necessary, they'd be willing to post some kind of cash  
16 bail, although they don't have a lot of money to offer.  
17 I would suggest something in the neighborhood between 5  
18 and \$10,000 and that is essentially what we're proposing,  
19 the principal issue being home detention where he would  
20 remain for the duration of this case while we're sorting  
21 it out.

22 THE COURT: All right. What is the  
23 government's position?

24 MS. GERDES: Thank you, your Honor. As I said,  
25 we're here on a VOSR, so the burden is on the defense to

## Proceedings

1 prove by clear and convincing evidence that the defendant  
2 is not a flight risk or a danger to the community.

3 I'm sure the Court has had a chance to review  
4 the VOSR report. The offenses of conviction here are  
5 extremely violent. The defendant engaged in a pattern of  
6 conduct that's a part of his association with the Bonanno  
7 Crime Family. He also committed lots of crimes on his  
8 own. He's been involved in multiple shootings, home  
9 invasions where people were tied up, brazen, broad-day  
10 burglaries of businesses, arsons, beatings. He also has  
11 a criminal history that pre-dates his federal case  
12 involving multiple gun convictions.

13 Mr. Borrello was given an extremely generous  
14 sentence of time served by Judge Block in large part due  
15 to his cooperation with the government (audio  
16 interference) discussed, so that's why I am discussing it  
17 here.

18 And the sentence of time served was basically -  
19 - it (audio interference) that could've put him in jail  
20 for the rest of his life. While he was (audio  
21 interference) under a microscope, court-ordered  
22 supervision, he has (audio interference) say the most  
23 egregious breach of trust coming in the form of him  
24 committing what amounts to a new federal crime, depending  
25 on which statute it's charged under. It could be

## Proceedings

1 punished by anywhere from up to five to 20 years in jail.

2 And these threats that he made are just very,  
3 very serious, threatening to basically kill the husband  
4 of his ex-girlfriend and to brutally beat her father all  
5 because she refused to grant him permission to publish a  
6 picture of her in a book that he's working on.

7 Some of the messages are outlined in the VOSR  
8 report to the Court. They're very, very serious threats  
9 and from our perspective, you know, we have to take this  
10 very seriously and we are. After he made these threats,  
11 he showed up unannounced to the home of his ex-  
12 girlfriend's mother and approached a vehicle there and  
13 only left after he realized that his ex-girlfriend wasn't  
14 in the car and when her mother confronted him about this,  
15 he initially lied and said he was never there. It was  
16 only after she said that she had him on video that he  
17 actually admitted to being there.

18 He's also charged with violating the terms of  
19 his supervised release for multiple association  
20 violations with convicted felons and associates of  
21 organized crimes, for hosting this podcast that effectively  
22 glorifies crime and that type of activity committed by  
23 members of La Cosa Nostra and it appears as though the  
24 next best thing for him to committing crimes was being on  
25 air talking about them and I'm not going to sit here and

## Proceedings

1 suggest that the association charges make him a danger to  
2 the community but they rather show his disrespect and  
3 contempt for the rules of the Court, the probation  
4 department and things that the government has discussed  
5 with him. It's as though he thinks he's above the law.

6 He's not reporting any of his income from these  
7 podcasts to probation, yet he's posting videos of himself  
8 on social media, holding thousands of dollars, wearing  
9 expensive Rolex watches, driving around in a high-end  
10 Porsche, wearing thousands of dollars in designer  
11 apparel.

12 But I think my arguments for detention all stem  
13 from the danger that he poses to the community. When  
14 somebody like him with a criminal history that includes  
15 shooting people and shooting at people, threatens to hurt  
16 or kill another individual, it's something that we as law  
17 enforcement agents take very seriously.

18 And he's also somebody who based on his past,  
19 has shown that he has inability to control his temper and  
20 his emotions and he acts on impulse, without really any  
21 regard for how it affects other people and that's what  
22 makes him so dangerous when he's set off.

23 And you know, the concern with just being on  
24 home confinement is that he committed the instant  
25 underlying offense, presumably from his house, using a



## Proceedings

1 telephone, threatening people, essentially extorting  
2 them, making these comments when he just didn't get  
3 something that he wanted and I don't think that there's  
4 any kind of documented history -- you know, we've been  
5 dealing with him for over five years, any documented  
6 history I'm aware of that suggests that he's particularly  
7 susceptible to COVID, he faces up to five years on these  
8 violations alone, ignoring any new federal charges and  
9 his guidelines range is 51 to 63 months.

10           So for all those reasons, the government  
11 believes that the bail package set forth by the defense  
12 is insufficient. They do not meet their burden here and  
13 we would ask that your Honor detain Mr. Borrello.

14           THE COURT: Ms. Ennis?

15           MS. ENNIS: Yes, your Honor, may I be heard?

16           THE COURT: Yes.

17           MS. ENNIS: Yes. Clearly we're not in a  
18 position to litigate the entire, you know, entity of  
19 these charges today in front of the Court but I would  
20 like to respond in several respects.

21           First of all, I believe the government will  
22 concede that there's no indication that Mr. Borrello is a  
23 flight risk because we have had a number of meetings in  
24 person and also by email and messaging and over the phone  
25 about these issues for almost a year now.

## Proceedings

1           They've been raised, they've been argued,  
2 they've been repeated and with respect to the most  
3 inflammatory charge, that is that he threatened his ex,  
4 his ex-girlfriend of many years, we had a meeting in  
5 person about that on February 9th where all the agents  
6 were there, where AUSA Gerdes was there, where two people  
7 from probation were there. We suggested anger management  
8 might be an appropriate course of action for Mr. Borrello  
9 but we also discussed in full that he had subsequently  
10 apologized to his ex-girlfriend about any sort of falling  
11 out they had, and in fact that she had then gone to  
12 Gangland News, which the Court may or may not be aware  
13 of, which is published by Jerry Capeci and she had gone  
14 to Gangland News and said that she's not afraid of Mr.  
15 Borrello and she was kind of dismissive of these charges  
16 and that's been published.

17           And so while inflammatory, these charges are  
18 not new and her involvement in this matter is not new  
19 either. While Mr. Borrello was cooperating with the  
20 government for a period of years, she was also brought  
21 into help cooperate and did -- participated in  
22 discussions of some third-party cooperation and so she's  
23 -- it's complicated, it's not as uncomplicated as the  
24 government is trying to present here.

25           Next, I would like to say that really nothing

## Proceedings

1 has happened since February 9th, since our meetings on  
2 February 9th which were where we parted ways on  
3 relatively good terms at the end of that meeting.  
4 Nothing has happened to instigate this particular arrest.  
5 There certainly has been no repeated incident.

6 I am concerned, your Honor, about the  
7 government's request for incarceration. As the  
8 government's well aware, Mr. Borrello was pivotal in the  
9 conviction of 21 that I know of so far, 21 members of the  
10 Bonanno Crime Family and related La Cosa Nostra  
11 individuals who are in custody now within the federal  
12 penal system. I believe most of them are still in  
13 custody.

14 And therefore, the government has failed to  
15 mention the extreme exposure that he would face if he  
16 were reincarcerated, a headache for the BOP, no doubt,  
17 you know, so a true danger to him and again, I think  
18 there's no indication that the government thinks he's a  
19 flight risk, since not this January but since January of  
20 2020, we have been debating these issues because the  
21 government started out by just wanting Mr. Borrello to  
22 cease his podcast about -- that he does about life in the  
23 mob which he is focused upon trying to discourage from  
24 romanticizing the mob and from thinking it's a great  
25 thing. And we've been debating that but he has a First

## Proceedings

1 Amendment right or he has some First Amendment rights  
2 that are not quashed by being on supervised release.

3 As I think the recent case in the Southern  
4 District of New York showed, Judge Hellerstein said that  
5 probation in the Southern District could not send Michael  
6 Cohen, the lawyer for Donald Trump back to prison because  
7 he was writing a book about his past, about -- even  
8 though the probation department wanted him to remain  
9 silent and Attorney General Barr wanted him to remain  
10 silent. Judge Hellerstein ordered that he be released.

11 And so we have an element of the First  
12 Amendment issue here, your Honor because it's really  
13 these podcasts that he's been doing about his  
14 reminiscences of his youth in the mob that have been  
15 annoying the government and I think it's debatable  
16 whether they should be annoying to the government.

17 But in any event, these are all issues that we  
18 cannot resolve here today but I think they are germane to  
19 the question of whether they should be released and I  
20 would ask your Honor to ask us any questions, if there's  
21 anything we have not made clear.

22 MS. GERDES: Judge, can I just (audio  
23 interference)?

24 THE COURT: I'm sorry, go ahead.

25 MS. GERDES: May I briefly respond, your Honor?

## Proceedings

1 THE COURT: Yes, please.

2 MS. GERDES: Okay, thank you. Just a couple of  
3 points. First, the situation is non-analogous to the  
4 Michael Cohen situation. There is a strict (audio  
5 interference) on the defendant that he not associate  
6 (audio interference) short of having court-ordered  
7 supervision and that is just a term of his supervision  
8 that he is completely disregarded.

9 Second, to the extent that the defendant (audio  
10 interference) risk-harm to the defendant as a reason that  
11 the Court should not detain him, defendant himself has  
12 chosen to live in the Howard Beach community since --  
13 almost since his release from jail, putting himself from,  
14 you know, living in the same area where the families of  
15 the people he cooperated against live. So he obviously  
16 didn't feel threatened or concerned about living in that  
17 area and the government is prepared to take measures  
18 (indiscernible) to ensure his continued safety.

19 Third, you know, one of the messages here --  
20 well, before I say the third point, there was (audio  
21 interference) misimpression in the record. There was no  
22 third-party cooperation at all from past -- his ex-  
23 girlfriend in the case. I'm not going to (audio  
24 interference) with defense counsel. I'm not (audio  
25 interference). I've been a part of this case since the

## Proceedings

1 beginning and that was not the situation.

2           And you know, third, I will say that the nature  
3 of these threats are just horrific. I mean, when you  
4 think about that he actually showed up to her mother's  
5 house after he said some of the things, he says, "The  
6 minute you call the cops on me and grow those balls, you  
7 watch, I'll blow your husband's head right off in the  
8 middle of the street, fucking try me. Not make me come  
9 to your fucking mother's house right now, I'm dead  
10 fucking serious. Don't forget about me. Remember what I  
11 used to do. I will grab your father right now and beat  
12 the dogshit out of him. Be happy I don't grab you and  
13 your fat ugly husband by the neck and drag you down the  
14 street."

15           We seriously considered our (audio  
16 interference) on detention in this case and believe it is  
17 the appropriate course of action (audio interference)  
18 meeting (audio interference) at our office and (audio  
19 interference) one thing about that. You know, the  
20 defendant was not taking responsibility for his conduct,  
21 and practically blaming other people and blaming other  
22 people that set him up for this.

23           And the reality is is the blame here falls  
24 square on his shoulders. He is the reason why we are  
25 here today and it's nobody else's fault and he should be

Proceedings

1 detained until we appear in front of Judge Block.

2 THE COURT: Hold on just one minute. I just --  
3 Ms. Ennis said that the girlfriend, the ex-girlfriend has  
4 changed her mind and doesn't feel threatened by this.  
5 What's your response to that?

6 MS. GERDES: Your Honor, what I will say is  
7 that in speaking to her, she has vacillated on how she  
8 and her family members have felt and she had -- I feel  
9 like I'm in the strangest position conveying, you know,  
10 some of the conversations that she has had with the  
11 government. She has said at times that they have felt  
12 threatened, she has said at other times that they have  
13 not felt threatened.

14 THE COURT: I'm sorry, I couldn't hear (audio  
15 interference) two. You're breaking up.

16 MS. GERDES: She has said some things to the  
17 government at certain points in time and the government  
18 has not, you know, spoken directly to her father. You  
19 know, there's (audio interference) husband feels is very  
20 real, you know, that -- this is a situation where the  
21 defendant has preyed on people in that neighborhood for  
22 years and people say certain things based on our  
23 investigation that we did over the course of, you know,  
24 five years basically, to try to keep the peace, to --  
25 whether it was this defendant, other people involved in

## Proceedings

1 the case, but I would say that people in that  
2 neighborhood and in that community are very afraid of  
3 him. There is no question about that.

4 THE COURT: All right.

5 MS. GERDES: He has a serious record (audio  
6 interference) that he shot people in broad daylight and  
7 in the street in Howard Beach and (audio interference)  
8 beating people to a pulp, and so to the extent that she  
9 has vacillated for whatever personal reasons or personal  
10 things that she may be going through, these are threats  
11 that the government takes very, very seriously knowing  
12 everything we know about his past and about how he reacts  
13 to situations that don't go his way.

14 THE DEFENDANT: Your Honor, can I say  
15 something? Your Honor, can I say something?

16 MS. ENNIS: Hey, Gene --

17 THE DEFENDANT: No, can I just say one thing,  
18 Mr. Judge Levy? I was driving around with the father the  
19 other day.

20 MS. ENNIS: Gene, Gene, I want to recommend  
21 that you not say anything on the record. This is not the  
22 appropriate time.

23 THE DEFENDANT: Okay. I'm not a threat, your  
24 Honor. I'm not. I'm not going to hurt nobody. I didn't  
25 nothing but help the government, your Honor. I put away



Proceedings

1 everybody. I put away crime bosses, everything. I made  
2 one mistake. I made a mistake.

3 MS. ENNIS: Gene --

4 THE DEFENDANT: And I (audio interference) her  
5 because we always fight with each other, your Honor. I  
6 don't deserve to be in jail. I don't deserve this, your  
7 Honor. I know I made a mistake but I don't deserve to be  
8 detained. I made a mistake. I got to arguing with her.  
9 She said something to me, I said something back to her.  
10 I shouldn't said that. I spoke with the mother, the  
11 father, everybody. I was with them. They were hugging  
12 me. They were going to do my -- the mother was going to  
13 take the hair off my back with her laser machine.

14 This is so drawn -- dragged -- thrown out of  
15 proportion, your Honor. It's because I do a podcast and  
16 I try to keep kids out of the street and I say something  
17 that I'm right and they go crazy on me over it. I made a  
18 mistake, your Honor. I -- please do not keep me in jail.  
19 Please, your Honor. Please, I'm not going to hurt  
20 nobody.

21 THE COURT: Ms. Gerdes, thank you. Ms. Gerdes,  
22 when were those last threats made?

23 MS. GERDES: One moment, your Honor.

24 MS. ENNIS: I believe it was --

25 MS. GERDES: It was mid-January --

Proceedings

1 MS. ENNIS: -- January 9th. according to my  
2 records and according to the complaint, it was January  
3 9th.

4 THE COURT: And --

5 MS. ENNIS: January 9th of this year.

6 THE DEFENDANT: I was with the family.

7 MS. ENNIS: You mean subsequent to that. Gene,  
8 I just have to advise you that anything that you say on  
9 the record --

10 THE DEFENDANT: I'm just saying, I want --

11 MS. ENNIS: -- can be used against you.

12 THE DEFENDANT: -- I want the judge to know  
13 because she's making me sound like a monster. I don't  
14 know why you're doing this to me, Lindsay. I did  
15 everything for you. Why you doing this to me?

16 MS. GERDES: Judge --

17 THE DEFENDANT: I can't believe you're doing  
18 this to me.

19 MS. GERDES: -- no one is disputing the  
20 cooperation effort --

21 THE DEFENDANT: Then why you doing this to me?  
22 What did I do? I did a podcast? So what am I doing? I  
23 didn't even do anything. I made one mistake with my ex-  
24 girlfriend. Why are you burying me like this? Why are  
25 you doing this to me?

Proceedings

1 MS. ENNIS: Hey, Gene? Gene, I would really  
2 recommend --

3 THE DEFENDANT: No, I did everything for this  
4 lady.

5 THE COURT: All right. So Ms. -- is Mr.  
6 Borrello's probation officer on the line as well?

7 THE PROBATION OFFICER: Yes, your Honor.

8 THE COURT: Is Mr. Imrek --

9 THE PROBATION OFFICER: Good afternoon. It's  
10 Mike Imrek.

11 THE COURT: Hi. Tell me a little bit about how  
12 you see the situation?

13 THE PROBATION OFFICER: Judge, we do feel  
14 strongly with the government. We discussed this at  
15 length that based on his criminal history, we do think  
16 that there is potential for, you know, violence based on  
17 his strong criminal history category and his prior, you  
18 know, offenses. We do feel that even if the victim is  
19 not, you know, going forward, if she does not go forward  
20 later on that we do feel strongly that there is a  
21 possibility of him doing violence to her or anyone else  
22 that confronts him.

23 In prior meetings that we've had with him, he's  
24 also mentioned people on Instagram, you know, that he has  
25 verbal arguments with, we hope, we have no evidence that

## Proceedings

1 it went further than that but he does have back and forth  
2 with more than just his ex-girlfriend and her family  
3 members.

4 THE COURT: Well, almost --

5 UNIDENTIFIED SPEAKER: Excuse me, this is --  
6 excuse me, could I speak. This is Gene Borrello's mom.

7 THE COURT: Yes. Go ahead.

8 UNIDENTIFIED SPEAKER: Hi, your Honor. I just  
9 want to let you know Gene is a very good-hearted person  
10 and Ms. Gerdes deep down knows that, okay? Gene does  
11 have bipolar and Gene does have no filter at times and  
12 Gene does say things that he doesn't mean. Gene had a  
13 very violent past, yes, he did and he was in a mob-  
14 related situation, he was in a gang. He's no longer in  
15 that.

16 Gene is a changed person totally. He asked  
17 Samantha (ph.) -- him and her are always going at it for  
18 years. He asked Samantha if he could put the picture in  
19 the book. Samantha went off on him and said -- and Gene  
20 said to me (sic), "I wish you would speak to me like a  
21 human" and she wouldn't and they argued and that's all it  
22 was. And Gene has no filter and he just blurts it out.

23 Prior to that, he was sitting in the car with  
24 the father, the father was complaining about the wife,  
25 that she doesn't pay child support, so why -- they're

## Proceedings

1 friends. So I don't know where this is all going and I  
2 know Lindsay was -- Ms. Gerdes also was very upset about  
3 the podcast but Gene is in a second chance program in the  
4 podcast and Gene says nothing, if you listen to them, we  
5 will send them to you, he does nothing but talk positive  
6 and tells the children to stay off the streets, it's not  
7 worth it. In the end, it's dead or jail or cooperation.

8           So I understand they're upset because of the  
9 comment but from what I understand, Rob, the husband was  
10 coerced to make that statement because Pudgy (ph.), the  
11 person that Gene put away is the one that gave the  
12 information and made the FBI go to the house and that is  
13 also fact.

14           So I'm not here to make my son be an angel but  
15 since he's been home, he's no longer in that gang and as  
16 far as him being associated with felons, those are  
17 cooperators, those are also like Gene, federal informants  
18 for the government, that's who he is with. Those are the  
19 people on the podcast. These are not organized crime  
20 because Gene can't be around organized crime because  
21 they'll kill him.

22           And as far as Howard Beach, don't stay in  
23 Howard Beach. Gene don't even have any friends. They  
24 don't know -- they just -- it looks like a (audio  
25 interference) out there when he's on these super

## Proceedings

1 podcasts. He has one friend, okay? He's in suicide  
2 missions half the time because he's so fucking -- excuse  
3 me, he's so depressed. So they don't know the other  
4 side. I'm sorry, your Honor, that's all I have to say.

5 And Gene could stay with me and I promise you,  
6 he will stay in my house and nothing will --

7 UNIDENTIFIED SPEAKER: Well, he could stay with  
8 me, too. I'm -- I'm his aunt. He could stay by my house  
9 too. I live in Rockaway Beach and I --

10 UNIDENTIFIED SPEAKER: We (indiscernible) Gene.

11 UNIDENTIFIED SPEAKER: -- will put up the bond.

12 UNIDENTIFIED SPEAKER: You don't know what Gene  
13 (indiscernible) how long Gene has come. I want you to  
14 listen to --

15 UNIDENTIFIED SPEAKER: That's right.

16 UNIDENTIFIED SPEAKER: -- listen -- one year  
17 went by and he thanked everybody and all his fans and --  
18 to support him, and you should read all the fans from all  
19 around the world, all around the world, that they love  
20 him and how one wants to kill himself, and they're like  
21 oh, my God, Gene, you saved my life. Read them all.  
22 Tell Lindsay to pull it up -- Ms. Gerdes to pull them up.  
23 I'm sorry.

24 MS. GERDES: Judge is --

25 UNIDENTIFIED SPEAKER: That's all, your Honor.

Proceedings

1 That's all I have to say.

2 UNIDENTIFIED SPEAKER: I'm willing -- he could  
3 stay by me, if anything, too. I live in Rockaway Beach.

4 UNIDENTIFIED SPEAKER: Yeah, if you don't want  
5 him in Howard Beach --

6 UNIDENTIFIED SPEAKER: I'm his aunt.

7 UNIDENTIFIED SPEAKER: We are very -- we are a  
8 close knit family.

9 UNIDENTIFIED SPEAKER: Yes.

10 UNIDENTIFIED SPEAKER: Gene strayed off --

11 UNIDENTIFIED SPEAKER: I will take him under my  
12 wing. I'll support him and I will do whatever is  
13 necessary to make sure he stays on the straight and  
14 narrow.

15 UNIDENTIFIED SPEAKER: Thank you, your Honor.  
16 Thank you, Lindsay. I know that you went after him, I  
17 know you (audio interference).

18 MS. GERDES: Judge, (indiscernible) showed up  
19 at the house on January 24th of 2021 and it --

20 UNIDENTIFIED SPEAKER: This is --

21 MS. GERDES: I don't know who is speaking right  
22 now. I am trying to speak (audio interference). The day  
23 he showed up at the house, at least our information is  
24 January 24th, 2021 and (indiscernible) stated that -- and  
25 I just want to add that no one is (audio interference)

Proceedings

1 arguing (audio interference). This is not a --

2 THE COURT: Ms. Gerdes, you're breaking up  
3 (audio interference) --

4 MS. GERDES: (Audio interference) that the  
5 government wanted to be in.

6 THE COURT: -- hear you.

7 MS. GERDES: This is not a personal thing. I  
8 have nothing else, your Honor.

9 THE COURT: All right. I was having a little  
10 trouble hearing what you said. You broke up a little  
11 bit, I think, your mic is -- I don't know what happened  
12 there. What was the last statement that you made?

13 MS. GERDES: After I gave the dates, I just  
14 said this is not a personal thing. You know, it seems  
15 that (audio interference) trying to make it personal.  
16 I'm just as disappointed as anyone that we are in front  
17 of the Court on allegations as significant as this.

18 THE COURT: So one of the questions I have,  
19 what (audio interference) January 24th and today? It's  
20 taken some time for him to be here. I'm assuming that  
21 whatever danger there was, hasn't -- in your view, hasn't  
22 abated since then and yet he has been out.

23 MS. GERDES: He's --

24 THE COURT: Why --

25 MS. ENNIS: Your Honor? Your Honor?



## Proceedings

1 THE COURT: Yes.

2 MS. ENNIS: Yes, your Honor. This is Nancy  
3 Ennis, one of Gene's attorneys. I would like to say that  
4 since then, we've had a full meeting with the government,  
5 with all the FBI agents, with two probation officers, a  
6 full and cordial meeting for several hours to discuss in  
7 all of these and to make a plan for anger management  
8 classes and things like that in the future. That was  
9 February 9th.

10 And the other thing that I know that has  
11 happened since then is that his ex-girlfriend called up  
12 Gangland News, I think that she likewise likes the  
13 attention of all this, she called up Gangland News and  
14 Jerry Capeci and in the course of that, she said she is  
15 not afraid of him. That's what I know has happened since  
16 then.

17 This is not to cast aspersions on her but to  
18 let the Court know they were together for years while he  
19 was -- while Gene was in the mob and that the volatile  
20 life is one that they shared.

21 THE COURT: Uh-hum.

22 MS. ENNIS: (Audio interference) her present  
23 husband. I don't know if the Court -- Gene wanted to  
24 stress that her present husband who is the one who is  
25 really pushing this matter is a close friend of a person

## Proceedings

1 that he cooperated against named Pudgy.

2 THE COURT: Well --

3 MS. GERDES: Judge, that's based on  
4 speculation. There is no evidence about that whatsoever  
5 and I would ask the Court (indiscernible) to anything if  
6 the evidence would draw is to the contrary. You know,  
7 (audio interference) speculation, I will say.

8 THE COURT: All right. Well, I can't  
9 speculate. All I can do is take whatever is before me  
10 and what we have before me, number one, are very  
11 threatening statements, dangerous statements made by Mr.  
12 Borrello and which indicate a danger and we also have a  
13 period of time over a month at which those who are saying  
14 that he's so dangerous and who are worried about him  
15 remained out and I'm sure there are complicated reasons  
16 for that as well.

17 So how am I, who don't have a crystal ball, and  
18 who don't know Mr. Borrello, to understand that, those  
19 who knew him best felt that he could remain out without  
20 these conditions, just with the normal conditions of  
21 supervision for over a month before he's -- well, almost  
22 a month, while he's here. When is he -- do we have a  
23 date for the hearing, the VOSR hearing?

24 MS. ENNIS: March 31st, I believe.

25 THE COURT: So it's almost maybe just a little

## Proceedings

1 longer than -- it's another (audio interference) longer  
2 than (audio interference) before his hearing. Is there -  
3 - what has changed between today and the 24th that makes  
4 you believe that he can't remain in the same situation or  
5 in a more tightened situation than he was between the  
6 24th and today? What has changed about that?

7 MS. GERDES: Your Honor, part of the issue --  
8 and you're right, there are a lot of complicated reasons  
9 why there was a delay between February 9th when we met  
10 with the defendant and (audio interference) allegations  
11 until now, that we're here.

12 Judge Block actually did sign the arrest  
13 warrant last Tuesday. You know, this was a significant  
14 report (audio interference) for the probation department  
15 to put it together. Because of the defendant's  
16 cooperation with the government and because of the  
17 different aspects of this case and because of, what I  
18 will say is the delicacy with which we have had to handle  
19 witnesses connected (audio interference) this aspect of  
20 the investigation to this whole case, things take time.

21 He has been monitored and been on different  
22 levels of, I'll say tighter supervision since that  
23 meeting but the real concern here is even when we  
24 initially approached him about the threats that he made  
25 to his ex, he actually thought that this related to

## Proceedings

1 threats he had made to somebody else. And I'll tell you,  
2 I'm not convinced that there wasn't a physical  
3 altercation between him and another person. It very well  
4 seems like it was. And there was an incident with him  
5 and other people on the street but what this shows us is  
6 that as much as he wants to say that he is somebody who  
7 is rehabilitated and doing the right thing, that's not  
8 what he's doing.

9           You know, behind closed doors and under the  
10 backdrop of social media where it's more difficult for  
11 law enforcement to always monitor things like private  
12 text messages, private audio threats that are sent to  
13 people and then disappear, where he's specifically  
14 telling people, if you go to police, this is what is  
15 going to be done to you.

16           Those aren't the cases that witnesses are  
17 always just coming forward and thrilled to cooperate with  
18 the government against, especially when it involves  
19 people with long histories together.

20           So what I will say though is at this meeting  
21 when he was confronted about this activity, we were  
22 trying to figure out different options to mitigate the  
23 threat to his ex-girlfriend, to her family members, and  
24 to the community at large and based on the way the  
25 defendant has responded, like I said, he took no

## Proceedings

1 responsibility for his conduct really whatsoever. It was  
2 more of the blame game. I can't believe that she came  
3 forward. I can't believe that it was her. So-and-so is  
4 behind this, you know?

5 I really am loathed to kind of air all of that  
6 out but the meeting --

7 UNIDENTIFIED SPEAKER: Excuse me. Excuse me,  
8 Lindsay.

9 MS. GERDES: -- (audio interference) somebody  
10 (audio interference) --

11 UNIDENTIFIED SPEAKER: Excuse me. It's his mom  
12 again, real fast. Are you aware that Samantha follows  
13 Gene --

14 MS. GERDES: His mom was not at the meeting. I  
15 don't know why I am being interrupted right now.

16 THE COURT: Yes, please, I'm sorry, ma'am.

17 UNIDENTIFIED SPEAKER: Oh, I'm sorry. Okay. I  
18 will speak after her. Okay.

19 MS. GERDES: Okay. So -- and again, I don't  
20 want to say anything that is going to put any other  
21 witness right now more so in harm's way, put more of a  
22 target on their back. Like I said, this is a delicate  
23 situation where it's not just, you know, him making  
24 threats against his ex, it's against her family members,  
25 people who mean something to her, people who he doesn't

## Proceedings

1 have the same history with, people who are without  
2 question affected by getting a death threat from somebody  
3 like him who shot people in the past.

4           And given that he did all of this from home,  
5 given that, you know, he's been really -- was  
6 disrespectful during the entire meeting and not  
7 responding in a way that gave anyone in the room any kind  
8 of comfort that there wasn't potentially going to be  
9 further escalation of this, whether it was with her or  
10 with people he could have set this up or with other  
11 people or just people generally in the community because  
12 even based on his own admissions, he has had other issues  
13 with other people and, you know, unfortunately he is not  
14 somebody who can control his anger and his rage.

15           And you know, he may think that he's not going  
16 to do something to her but that doesn't mean he's not  
17 going to take his aggression and frustration in a  
18 physical way out on somebody else which is something he's  
19 done before.

20           And like I said, your Honor, we wouldn't be  
21 here making this argument unless (audio interference)  
22 outcome, knowing everything that we know about him and  
23 about the case.

24           MS. ENNIS: Your Honor, may I be heard?

25           THE COURT: Yes.

## Proceedings

1 MS. ENNIS: Yeah, this is Nancy Ennis again. I  
2 was at that meeting. It took several hours. At first  
3 when they broached that subject, he did react and he was  
4 taken by surprise and his initial reaction was to be  
5 dismissive of his girlfriend's credibility, let's just  
6 put it that way and to think that she had blown things  
7 out of proportion, so forth and so on.

8 That said, as the meeting progressed, it is not  
9 fair to say that he did not take responsibility. He  
10 specifically did and I hesitate to say that because I'm  
11 his attorney and I don't want to in essence "confess" on  
12 his behalf but this has been raised, he did take  
13 responsibility and he said he felt that their reaction to  
14 what had happened was overblown and tried to explain it  
15 in the context of his relationship with his ex-girlfriend  
16 and that he clearly had resolved it since that time and  
17 was in good contact with her and her family but he did  
18 take responsibility. That's just simply the case. I was  
19 there.

20 THE DEFENDANT: I speak to the mother everyday,  
21 your Honor. I am always on the phone with the family. I  
22 still talk to them, your Honor. I'm friends with them,  
23 your Honor. That's what I am trying to say, this is so -  
24 - I understand I made a mistake, I did. I own up to  
25 that. But I would never hurt them. I've never hurt

## Proceedings

1 nobody, I haven't been in no altercation. I sit in the  
2 house. I don't have nobody to hang out with. I call  
3 Instagram, and I talk a little bit. I don't do anything  
4 wrong, your Honor. I don't know why -- I don't  
5 understand what's going on right now. I'm so confused.

6 UNIDENTIFIED SPEAKER: Gene, explain to --  
7 Gene, explain to him that Samantha follows your story  
8 please and we have --

9 THE DEFENDANT: She goes on my Instagram.

10 UNIDENTIFIED SPEAKER: -- (audio interference)  
11 follow you.

12 THE DEFENDANT: She goes on my stuff. This is  
13 so ridiculous, your Honor. This is like -- this is so  
14 blown out of proportion.

15 UNIDENTIFIED SPEAKER: She follows him.

16 THE DEFENDANT: I -- I don't understand what I  
17 did wrong -- like I understand I made the threat, I made  
18 the mistake but I didn't mean that. I would never hurt  
19 them. I spoke them. I spoke to the family. I'm with  
20 the father. I drove around in my car, we're talking.  
21 They know I would never hurt them.

22 UNIDENTIFIED SPEAKER: Don't forget --

23 THE DEFENDANT: I wouldn't hurt nobody no more.

24 UNIDENTIFIED SPEAKER: He's not that person no  
25 more. He may be his mouth, yes.



Proceedings

1 THE DEFENDANT: He could make me go back to  
2 jail for this.

3 UNIDENTIFIED SPEAKER: He's not -- has he --  
4 has he hurt anybody since he's been in one year? No.

5 MS. ENNIS: Yeah, I would mention that the acts  
6 of violence that the government keeps discussing end key  
7 date, the year 2014 when I started to represent him, that  
8 I have represented him since late 2014 and so I know that  
9 he was incarcerated and did not have any incidents that  
10 I'm aware of during that time as his attorney.

11 THE COURT: All right. Well, thank you  
12 everyone. This is by no means an easy case.

13 UNIDENTIFIED SPEAKER: Thank you.

14 THE COURT: And I think this unfortunately is  
15 going to be decided by the burden of proof which is how  
16 judges are instructed that they have to act. For  
17 example, if I thought that it was just as likely that Mr.  
18 Borrello would not harm Samantha, I believe is her name,  
19 and her family --

20 UNIDENTIFIED SPEAKER: Yes.

21 THE COURT: If I thought that it was just  
22 likely, or even more likely than not that he would not  
23 harm them, that would not be enough because what I would  
24 need to have is clear and convincing evidence that there  
25 would be no harm and the problem is that when someone is

## Proceedings

1 on probation or supervised release and under court  
2 orders, to make threats of violence that are that  
3 serious, that's -- courts have to take that seriously and  
4 there's a very heavy burden on a defendant who has made  
5 those statements.

6           Now I may be convinced that it's more likely  
7 than not that you won't hurt anyone but that's not  
8 enough, the law instructs me that the evidence has to be  
9 clear and it has to be convincing and after statements  
10 like that have been made while someone is under court  
11 orders, the question then is well, will you move from  
12 words to action and if the statement had been made once  
13 or twice, I think they would carry less weight but the  
14 problem is it's a heavy burden for you to overcome.

15           But what has troubled me and what I was trying  
16 to probe was the period of time between the 24th and  
17 today essentially where apparently nothing has happened,  
18 there have been no other threats, there's been no  
19 violence and the government was not -- I understand the  
20 argument that it takes time to bring things together but  
21 if the danger was that serious, you know, the government,  
22 I assume, would've moved very quickly if it thought that  
23 it was imminent.

24           So what I am guessing is that the government's  
25 position is that the danger is serious but that it wasn't

## Proceedings

1 as imminent and it could happen at any time because of  
2 volatility.

3           So my ruling as I've outlined a little earlier  
4 is based on the burden of proof and the burden of proof  
5 is clear and convincing evidence and it's on (audio  
6 interference) to prove by clear and convincing evidence  
7 that he's not a danger and because those words that came  
8 out of your mouth, Mr. Borrello, were so serious, even if  
9 you don't mean them now, it's hard for me to see clear  
10 and convincing evidence that you would be able to  
11 restrain yourself in the future.

12           So as I said, it's a very close case, it's very  
13 tight. Judge Block will be the one who will ultimately  
14 decide what your future will be but for the bail hearing,  
15 I'm going to deny the bond (audio interference) because I  
16 don't think you can meet the high burden of (audio  
17 interference) convincing evidence that there's no danger.

18           THE DEFENDANT: Why would you do this to me,  
19 Lindsay? Why would you do this to me, Lindsay? What did  
20 I do to you? I did nothing wrong to you? Why would you  
21 do this to me?

22           UNIDENTIFIED SPEAKER: She retracted it, your  
23 Honor. She retracted her statement that they're (audio  
24 interference).

25           THE DEFENDANT: (Indiscernible).

Proceedings

1 UNIDENTIFIED SPEAKER: Hello?

2 UNIDENTIFIED SPEAKER: I'm getting a better  
3 lawyer, this is so sad. This is sad.

4 THE DEFENDANT: (Indiscernible).

5 UNIDENTIFIED SPEAKER: I (audio interference)  
6 everything for this judge.

7 THE DEFENDANT: Why would you do this to me?

8 UNIDENTIFIED SPEAKER: Your Honor, just (audio  
9 interference) out. This is --

10 THE DEFENDANT: This (audio interference).

11 UNIDENTIFIED SPEAKER: This is so sad.

12 THE COURT: I don't think anyone --

13 UNIDENTIFIED SPEAKER: So now he goes in --

14 THE COURT: -- (audio interference).

15 UNIDENTIFIED SPEAKER: Wait. So now he's going  
16 to go in and get COVID.

17 THE DEFENDANT: This is it. This is it.

18 UNIDENTIFIED SPEAKER: Hello?

19 UNIDENTIFIED SPEAKER: Twenty-three-hour lockup  
20 in a hole now my son's going to go now.

21 THE DEFENDANT: I wouldn't hurt nobody, your  
22 Honor.

23 UNIDENTIFIED SPEAKER: And do you know what?  
24 He's probably going to get his throat slit in there from  
25 twenty-one informants that he helped the government put

Proceedings

1 away. Very nice.

2 UNIDENTIFIED SPEAKER: Oh, my God.

3 THE COURT: Is there a danger? Has anyone --

4 UNIDENTIFIED SPEAKER: That's so sad.

5 UNIDENTIFIED SPEAKER: There's no reason for  
6 this.

7 THE COURT: Is he --

8 UNIDENTIFIED SPEAKER: There's no reason for  
9 this.

10 UNIDENTIFIED SPEAKER: So sad.

11 UNIDENTIFIED SPEAKER: I would take him home.  
12 I would take full responsibility.

13 MS. GERDES: Judge, (audio interference).

14 THE COURT: Excuse me. Could everyone please,  
15 I need some silence.

16 MS. GERDES: Lindsay, please. Lindsay --

17 THE CLERK: Excuse me. Stop talk -- we are  
18 recording the proceeding, so stop yelling. We don't know  
19 who is talking. But Lindsay, this is Sui-May, we're  
20 having a hard time hearing you on and off. Maybe just  
21 stay at a certain area.

22 MS. GERDES: Okay. Can you hear me now?

23 UNIDENTIFIED SPEAKER: This is not right.

24 THE CLERK: This is good. Stay where you are.  
25 Okay. Go ahead.

Proceedings

1 UNIDENTIFIED SPEAKER: No, I said Lindsay,  
2 please.

3 THE COURT: Is there a danger for him at the  
4 MDC?

5 MS. GERDES: There is no specific person right  
6 now at the MDC that the defendant cooperated against that  
7 I am aware of. This (audio interference) at the MDC and  
8 we are going to make sure that he's not in a position  
9 (audio interference).

10 THE COURT: How are we going to make sure?

11 UNIDENTIFIED SPEAKER: Take away his phone?

12 MS. GERDES: Since all of this is (audio  
13 interference) I would rather now put all of that on the  
14 record but I am going to be in contact with the legal  
15 staff at the MDC and with the BOP to address the  
16 situation, as part of the conversation that I started  
17 before today (audio interference) is a very likely  
18 outcome.

19 THE COURT: Are there any members of the  
20 Bonanno organization at the MDC at this time?

21 UNIDENTIFIED SPEAKER: Yes.

22 THE COURT: If you know?

23 MS. GERDES: I don't know the answer to that.  
24 No one that the defendant cooperated against is at the  
25 MDC (audio interference).

Proceedings

1 THE COURT: All right. But it's a large  
2 organization and there is some loyalty in that  
3 organization.

4 MS. GERDES: Understood, your Honor and we've  
5 already taken (audio interference) steps underway to  
6 (audio interference) not have the defendant at the MDC  
7 but like I said, since we're on tape today, I prefer not  
8 to discuss that on the record.

9 THE COURT: Okay.

10 THE DEFENDANT: So not going to happen (audio  
11 interference).

12 THE COURT: All right. So what I will --

13 UNIDENTIFIED SPEAKER: Your Honor?

14 THE COURT: Excuse me. What I would like from  
15 the government is just you can send it ex parte to  
16 chambers with a copy to Mr. Borrello's counsel. I would  
17 like to know if there are any members of the Bonanno  
18 organization at the MDC and what efforts will be made to  
19 make sure that he's safe.

20 MS. GERDES: Yes, your Honor.

21 THE COURT: So do we know if there's -- is  
22 there a way to accelerate the hearing before Judge Block?

23 MS. GERDES: I can reach out to his deputy and  
24 ask that that happen. We have March 31st as the date but  
25 I will reach out to Mike Inelli and ask for an earlier

Proceedings

1 date.

2 THE COURT: Okay. So if you can get me that --

3 UNIDENTIFIED SPEAKER: Excuse me. Can I please  
4 say --

5 THE COURT: -- by the end of the day or  
6 tomorrow morning at 10.

7 THE DEFENDANT: Ma, don't worry no more.

8 UNIDENTIFIED SPEAKER: Your Honor? Your Honor?

9 MS. GERDES: Yes, your Honor.

10 THE COURT: Thank you.

11 UNIDENTIFIED SPEAKER: Your Honor?

12 THE COURT: Yes.

13 UNIDENTIFIED SPEAKER: Your Honor, isn't there  
14 a pandemic right now? Didn't they release thousands and  
15 thousands disgusting inmates?

16 THE COURT: All right.

17 UNIDENTIFIED SPEAKER: You're putting someone  
18 in that helped the government, twenty-one informed -- he  
19 put away twenty-one people for them, the biggest case,  
20 Vinny Asaro.

21 THE DEFENDANT: They don't care.

22 UNIDENTIFIED SPEAKER: They got killed with  
23 that. You don't remember all this? My son stood up for  
24 them and took their back and I understand he made that  
25 statement but he is friends with them. Samantha said it,



## Proceedings

1 it's a petty situation. I sent the article to Ms. Ennis.  
2 She said petty. She wrote -- she put the word petty in  
3 there. They're all friends. She knows Rob. It's over  
4 with. It's been over with. Please, your Honor, I will  
5 take responsibility. He could stay in my house or my  
6 sister's. He will not go out --

7 UNIDENTIFIED SPEAKER: Yes.

8 UNIDENTIFIED SPEAKER: -- he'll have an ankle  
9 bracelet. I don't want him to get COVID. He has  
10 bronchial -- he has acute bronchial. If he -- when he  
11 gets cold, it goes right into his chest. Like I don't  
12 want -- they're releasing people right now. Why is he  
13 going in? He's doing nothing but the right thing.

14 Yes, he did speak a little bit. He does have a  
15 mouth but he is bipolar and he does say certain things  
16 sometimes but he didn't hurt nobody and he's not going to  
17 hurt nobody. He has a girlfriend, a nice girlfriend,  
18 Joanna (ph.). She texts me all of the time from Staten  
19 Island. It's over with. There's nothing going on. I  
20 don't understand why they're doing this.

21 I understand why they're doing this, I  
22 shouldn't say I don't understand, I do understand because  
23 he made a --

24 UNIDENTIFIED SPEAKER: Because of husband.

25 UNIDENTIFIED SPEAKER: -- violent threat, yes

Proceedings

1 but please, your Honor, please reconsider this, just  
2 until Judge Block -- if Judge Block puts him away for ten  
3 years, so be it but now please, just let him come here  
4 and, you know, learn his lesson.

5 UNIDENTIFIED SPEAKER: Yup. Take his phone  
6 away from him, put him on the ankle bracelet --

7 UNIDENTIFIED SPEAKER: Yeah.

8 UNIDENTIFIED SPEAKER: -- and that's it.

9 UNIDENTIFIED SPEAKER: Believe me, yeah.

10 UNIDENTIFIED SPEAKER: He has no more social  
11 media, no -- well, he won't do --

12 UNIDENTIFIED SPEAKER: Nothing, he won't do  
13 nothing.

14 UNIDENTIFIED SPEAKER: -- he won't anything.

15 UNIDENTIFIED SPEAKER: He won't do the show no  
16 more.

17 UNIDENTIFIED SPEAKER: He won't do the show  
18 anymore.

19 UNIDENTIFIED SPEAKER: Nothing.

20 UNIDENTIFIED SPEAKER: He won't (audio  
21 interference).

22 UNIDENTIFIED SPEAKER: Yeah, and that's a  
23 (audio interference).

24 MS. GERDES: Judge, I'm going to ask the Court  
25 to (audio interference) upon its ruling.

Proceedings

1 UNIDENTIFIED SPEAKER: Yes, it will end  
2 everything.

3 MS. GERDES: I think the (audio interference)  
4 needs to be concluded at this point.

5 THE COURT: Thank you.

6 THE CLERK: Yes.

7 THE COURT: All right. Thank you. Thank you.

8 THE CLERK: Thank you.

9 THE COURT: I know that you all had an  
10 opportunity to speak. Thank you.

11 MS. GERDES: Thank you, your Honor.

12 UNIDENTIFIED SPEAKER: Thank you. Thank you.

13 THE CLERK: Thank you.

14 MS. ENNIS: Thank you.

15 THE CLERK: Okay. Have a good one, everyone.

16 THE DEFENDANT: Now what? What do I do?

17 UNIDENTIFIED SPEAKER: I don't know.

18 (Matter Concluded)

19 -o0o-

20

21

22

23

24

25

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 26th day of February 2021.

  
Linda Ferrara

AAERT CET 656  
Transcriptions Plus II, Inc.